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EXCEPTION

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BEFORE THE ARIZONA CORPORATION COMMISSION

2001 APR 25 P 12: 04

WILLIAM A. MUNDELL
Chairman

AZ CORP COMMISSION
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JIM IRVIN
Commissioner

MARC SPITZER
Commissioner

IN THE MATTER OF THE APPLICATION OF
WESTERN CLEC CORPORATION, FORMERLY
ECLIPSE COMMUNICATIONS CORPORATION,
FOR A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
AND RESOLD TELECOMMUNICATIONS
SERVICES AND PETITION FOR COMPETITIVE
CLASSIFICATION OF PROPOSED SERVICES

DOCKET NO. T-03590A-98-0364
EXCEPTIONS OF WESTERN
CLEC CORPORATION

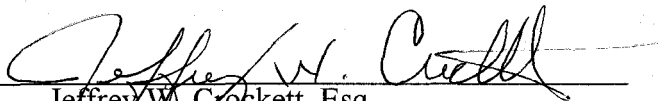
On April 16, 2001, the Administrative Law Judge ("ALJ") issued his recommended opinion and order in the above-captioned proceeding. The ALJ adopted, among others, the recommendation of Utilities Division Staff that the applicant Western CLEC Corporation ("Western CLEC" or the "Company") procure a performance bond in the amount of \$100,000 to cover prepayments or deposits collected from Western CLEC's customers, and that proof of the performance bond be docketed within 90 days of an order in this case or 30 days prior to the provision of service, whichever comes first. Western CLEC does not object to the bond requirement nor the amount of the bond, but asks that the time for docketing proof of the bond be extended to 90 days prior to the date Western CLEC will begin providing service. As a relatively small but growing competitive local exchange carrier, Western CLEC submits that extending the deadline for procuring the bond will allow the Company to more efficiently use its limited resources while it finalizes plans for the deployment of its service. Requiring Western CLEC to procure a bond while the Company has no Arizona customers does not serve to protect the public interest. Accordingly, Western CLEC respectfully requests that the

Snell & Wilmer

L.L.P.
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
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1 deadline for docketing proof of the bond be extended to 90 days prior to the date Western CLEC
2 will begin providing service. Western CLEC is satisfied with the recommended opinion and
3 order in all other regards.

4 RESPECTFULLY submitted this 25th day of April, 2001.

5
6 By: 
7 Jeffrey W. Crockett, Esq.
8 One Arizona Center
9 Phoenix, Arizona 85004-0001
Attorneys for Western CLEC Corporation

10 ORIGINAL and ten (10) copies of the
11 foregoing were filed with Docket Control
this 25th day of April, 2001.


12 COPIES of the foregoing were hand-
delivered this 25th day of April, 2001, to:

13 Stephen Gibelli, Administrative Law Judge
14 Hearing Division
ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Robert. J. Metli, Staff Attorney
18 Legal Division
ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
Phoenix, Arizona 85007

20 COPY of the foregoing were mailed
21 this 25th day of April, 2001, to:

22 Timothy Berg
23 FENNEMORE CRAIG
3003 North Central Avenue, Suite 2600
24 Phoenix, Arizona 85012-2913
Attorneys for Qwest Corporation

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